

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA)
)
)
) Case No. 1:08CR00024-12
)
v.)
)
)
PAUL ALSTON VAUGHN, JR.,)
) By: James P. Jones
) United States District Judge
)
)
)
Defendant.)

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED as follows:

1. Paul Alston Vaughn's Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255, is GRANTED as to his claim that the enhancement of his sentence on the basis of prior North Carolina convictions under 21 U.S.C. §§ 841(b)(1)(A) and 851 (West 1999 & Supp. 2012), is unlawful pursuant to *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc), and his sentence is VACATED, effective upon his resentencing by this court; all remaining § 2255 claims are DISMISSED without prejudice;
2. The Clerk is DIRECTED to schedule a resentencing hearing with the defendant present;

3. The Clerk is DIRECTED to make arrangements for the appointment of counsel to represent Vaughn for resentencing; and

4. The Clerk will send a copy of the Opinion and this Order to the defendant at his place of confinement.

ENTER: May 23, 2012

/s/ James P. Jones
United States District Judge